

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JAIME CARRASQUILLO RODRIGUEZ

DEBTOR(S)

CASE NO.: 14-05041 MCF

CHAPTER 13

**MOTION TO DISMISS**

TO THE HONORABLE COURT:

COMES NOW, Puerto Rico's Administration for Child Support (hereinafter ASUME), as party with interest in the present bankruptcy case, through the undersigning attorney, and hereby respectfully STATES and PRAYS:

1. Debtor Jaime Carrasquillo Rodríguez filed for bankruptcy under Chapter 13 on June 20, 2014.
2. ASUME appeared as Creditor for a pre-petition amount of \$1,372.23, accrued under child support case No. 0439812. (Claim 2)
3. ASUME's claim was objected (Dkt. 59) and later disallowed by the Court (Dkt. 69), due to elimination of all pre-petition arrears prior to the confirmation of the Plan.
4. However, Debtor's case currently shows **a post-petition debt of \$1,501.03**, equal to almost three (3) months of child support. See, *Payment History*, Exhibit 1.
5. Most of the post-petition arrears pertain to an account adjustment made on December 2016, in response to a 2014 State Court Resolution establishing the

amount of \$501 as monthly support from the moment the minor child would cease receiving \$189 as beneficiary of Debtor's social security. The increment from \$189 to \$501/monthly was calculated retroactively, from the moment the minor reached eighteen (18) years of age, resulting in post-petition debt.

6. Since this adjustment in 2016, Debtor has shown little to no intention of reducing his post-petition arrears. More so, he has been cited by ASUME for the collection of his debt (either in its entirety or through a payment plan) yet has failed to appear, or even to communicate with the caseworker in an effort to resolve the issue. See, *Citation*, Exhibit 2.
7. Section 1307(c)(11) of the Bankruptcy Code provides cause for dismissal for "failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition".
8. In view of the post-petition arrears and the significant public policy involving timely payment of child support, ASUME requests that this Honorable Court order the dismissal of the present bankruptcy case.
9. Debtor is not an active member of the United States Armed Forces. See, *Status Report*, Exhibit 3.

WHEREFORE, ASUME prays this Honorable Court considers the above stated and GRANT the remedy here requested by ordering the dismissal of the present bankruptcy case.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 16<sup>th</sup> day of May, 2018.

I HEREBY CERTIFY: that on this same date I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such

filing to all registered parties, including Trustee Alejandro Oliveras Rivera, Esq. and Debtor's Attorneys of record, Roberto Figueroa Carrasquillo, Esq. I further certify that a true and exact copy of the present document has been sent via US Mail to Debtor's address of record: PO Box 1295, Cidra P.R. 00739.

**/S/MYRIAM HERNANDEZ-LUCENA, ESQ.**

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**Notice:** Within **thirty (30) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.